IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

Con.Case(C).No. 925 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.18413/2006 Dated 20/06/2005

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PETITIONER: (PETITIONER):

C. MOOSAKOYA, S/O. MARAIKKAR,
AGED 56 YEARS, RESIDING AT CHALIL, PARANNUR P.O.,
KOZHIKODE, SECRETARY, KOZHIKODE PRIMARY CO-OPERATIVE
AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD.
NO.4362, KOZHIKODE.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENTS: (RESPONDENTS 2 AND 3):

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1. V.G. DIVAKARAN,
S/O. NOT KNOWN, AGED NOT KNOWN TO THE PETITIONER,
COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
BHAVISHYANIDHI BHAVAN, PATTOM, TRIVANDRUM.

2. K. VENKATARAMAN,
S/O. NOT KNOWN, AGED NOT KNOWN TO THE PETITIONER,
REGIONAL PROVIDENT FUND COMMISSIONER (C & R),
KOZHIKODE.

BY GOVERNMENT PLEADER
BY ADV. SRI.N.N. SUGUNAPALAN, SC, P.F.
SMT.T.N.GIRIJA, SC,EPF ORGANISATION
SRI.THOMAS MATHEW NELLIMOOTTIL,SC, P.F.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 08/08/2007 ALONG WITH RP NO. 799 OF 2005, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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Cont.Case(C).925/2007-S &

R.P.799/2005 in W.P.(C).18413/2005-P

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Dated this the 8th day of August, 2007.

JUDGMENT

Annexure-A1 judgment in contempt of court case was issued by me on 20th June, 2005 in WP(C).No.18413/2005, which judgment is sought to be reviewed in the review petition.

2. Heard counsel for parties.

3. By the judgment dated 20-6-2005, the respondents in the writ petition stood governed by the directions contained in paragraph 4 and last paragraph of that judgment. The writ petition was disposed of directing that if the petitioner co-operative society makes a proper

representation seeking exemption from the purview of the Employees Provident Fund and Miscellaneous Provisions Act, 1952, the Government shall consider the same and take a decision within one month from the date of receipt of such representation. By the last paragraph in the judgment, it was ordered that if the Government grants exemption, the amount outstanding to the credit of the employees of the petitioner would be transferred to the Pension Board.

4. The application for review is filed by the EPF Organization. The contempt of court case is filed asserting that notwithstanding the fact that the Government have granted exemption as per Annexure-A2 order in the contempt of court case, the amounts have not been transferred by the competent among the respondents in the writ petition to the Pension Board.

5. As of now, the decision of the Government

contained in Annexure-A2, G.O.(Ms.)No.44/2006/LBR dated 19-6-2006 is admittedly gaining attention of this Court in a separate batch of writ petitions filed by the EPF Organization and also by some of the employees of the different co-operative societies which fall under the cover of exemption order, challenging that order.

6. A clear reading of the directions in the last paragraph of the judgment dated 20-6-2006 would show that the direction was only to transfer the amounts to the first respondent depending upon the Government Order granting such exemption. The said direction in Annexure-A1 judgment does not, in any manner, impair the right of any person aggrieved by the Government decision granting exemption and therefore, in my view, the judgment issued by me on 20-6-2006 in WP(C).No.18413/2005 does not stand in the way of any person challenging the grant of exemption by the Government. Equally, the question of exemption being a

matter of challenge in a batch of writ petitions, I find no violation of the directions contained in the judgment.

In view of the above, review petition does not survive. Hence, the review petition and the contempt of court case are closed without prejudice to the contentions of the parties.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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